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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of )

SHELBERGER et al. )

Art Unit: 1616

Serial No. 10/044,255 )

Examiner: Unknown

Filed: January 14, 2002 )

For: FUNGICIDAL MIXTURES BASED ON AMIDE COMPOUNDS AND PYRIDINE  
DERIVATIVES

I hereby certify that this correspondence is being deposited with the United  
States Postal Service as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:  
May 28, 2002

Date of Deposit

Herbert B. Keil

Person Making Deposit

Signature

May 28, 2002

Date of Signature

Honorable Commissioner of  
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Washington, D.C. 20231

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OFFICE OF PETITIONS

PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS

In response to the Notice of Omitted Items in a Nonprovisional Application of  
April 29, 2002, attached hereto are pages 18 and 22 of the specification. It is believed  
that this page was in fact deposited in the USPTO with the nonprovisional application  
papers. In any event, this page was filed with the USPTO on June 19, 2000 with parent  
application 09/581,833 and said page was referenced in the declaration filed with both  
that application and the present application. Thus, pages 18 and 22 of the specification  
was filed with the present application as filed on January 14, 2002 through  
incorporation by reference. The "Utility Patent Application Transmittal" cover sheet filed  
with the present application on January 14, 2002 states that "[t]he entire disclosure of  
the prior application [listed as 09/581,833] ... is considered as being part of the


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Serial No. 10/044,255

disclosure of the accompanying application and is hereby incorporated by reference..."

Please charge \$130 to cover the petition fee under 37 CFR 1.17(h) to deposit account 11.0345. Should this petition be granted, please credit this fee to Deposit Account No. 11.0345.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/044,255	01/14/2002	Klaus Schelberger	48648587

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CONFIRMATION NO. 1888

## FORMALITIES LETTER



\*OC000000007937688\*

Date Mailed: 04/29/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 18 & 22 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'L. B. ...', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE